

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHAKIR OMARIE CRUZ,)	
)	
Petitioner,)	
)	
v.)	1:23CV15
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The Order Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 11, 2023, was served on the parties in this action. (Docs. 2, 3.) Petitioner filed an untimely objection to the Recommendation. (Doc. 4.)

The court has appropriately reviewed the Magistrate Judge's report, as well as Petitioner's objections, and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action be filed but then dismissed *sua sponte* without prejudice to Petitioner raising any claims challenging the convictions in 1:22CR220-1 in that case or on direct appeal.

/s/ Thomas D. Schroeder
United States District Judge

February 9, 2023